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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 THOMAS F. LENNON, as Receiver for  
The Rose Fund, LLC, The Rose Fund, Inc., and  
14 TRF Holdings, Inc.,

15 Plaintiff,

16 vs.

17 EVAN MEAD STONE,

18 Defendant.

19 Case No. C 04-04601 WHA

STIPULATION TO EXTEND DISCOVERY  
CUTOFF AND RELATED DATES; ORDER  
THEREON

20 Plaintiff, Thomas F. Lennon, as Receiver for The Rose Fund, LLC, The Rose Fund, Inc.,  
21 and TRF Holdings, Inc. ("Lennon") and defendant, Evan Mead Stone ("Stone"), stipulate as  
22 follows:

23 1. On or about February 10, 2005, this Court issued its Case Management Order and  
24 reference to ADR Unit for Mediation setting forth deadlines for, *iter alia*, fact discovery, expert  
25 discovery, and pre-trial motions.

26 2. Lennon and Stone, as well as a representative of Stone's insurer participated in  
27 mediation on May 12, 2005. The session did not result in a settlement. On July 6, 2005, Stone's  
28 insurer initiated a declaratory relief action requesting a finding that it had no duty to indemnify  
Stone, or any other party.

STIPULATION TO EXTEND DISCOVERY CUTOFF  
AND RELATED DATES; ORDER THEREON  
630850.01/SD

Case No. C 04-4601-WHA

1       3. As a result of the declaratory relief action, the parties believe that another attempt  
2 at mediation may be beneficial. In addition, due to the pending criminal investigations against the  
3 former principals of Rose Fund, issues have arisen as to whether Stone's deposition testimony will  
4 be impeded by the assertion of various privileges. Continuing the various discovery deadlines  
5 would allow the parties to pursue mediation before incurring substantial expert costs and allow  
6 time to address privilege issues with respect to Stone's testimony. The parties are *not* requesting a  
7 delay in the trial date.

## **STIPULATION**

Lennon and Stone hereby stipulate to continuing the following deadlines:

Continued Date	Description
10/3/05	Discovery cut off/ last date to designate experts and opening reports
10/17/05	Last date rebuttal experts and "opposition reports"
10/24/05	Last date expert "reply reports"
11/07/05	Expert discovery cutoff
<del>11/14/05</del>	Last date to file dispositive motions before trial (no motions shall be heard more than 35 days after this deadline)
10/27/05	

Counsel for Lennon hereby attests that the content of this stipulation is acceptable to all persons required to sign.

Dated: September 2, 2005

**ALLEN MATKINS LECK GAMBLE &  
MALLORY LLP**

By: /s/ Loraine L. Pedowitz

LORAIN L. PEDOWITZ  
Attorneys for Receiver Thomas F. Lennon

Dated: September 2, 2005

## MURPHY PEARSON, BRADLEY & FEENEY

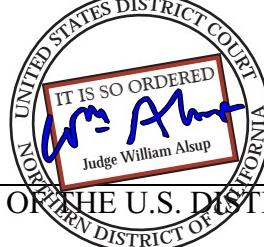
By: /s/ James A. Murphy

JAMES A. MURPHY  
Attorneys for Defendant Evan Mead Stone

## ORDER

Good cause appearing, it is hereby ordered that the discovery dates are continued as set forth above.

DATED: September 6, 2005



**JUDGE OF THE U.S. DISTRICT COURT**

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**STIPULATION TO EXTEND DISCOVERY CUTOFF  
AND RELATED DATES; ORDER THEREON**  
630850.01/SD

Case No. C 04-4601-WHA